

Final Rule: 2024 Update to ACL's Older Americans Act Regulations

On February 6, 2024, ACL released a final rule to update the regulations implementing its Older Americans Act (OAA) programs. The new regulations will take effect on March 15, 2024, but regulated entities have until October 1, 2025 to comply. ACL looks forward to working with partners in the aging network to implement the final rule and will provide robust technical assistance and other resources to support states, tribes and tribal organizations, area agencies on aging, and others in the aging network in meeting its requirements.

Additional information can be found on [ACL.gov/OAArule](https://acl.gov/OAArule).

Summary

With the release of the OAA final rule, ACL has achieved a significant milestone, one that will ensure the nation's growing population of older adults can continue to receive the services and supports they need to maintain their independence and quality of life. The last substantial update to most OAA program regulations was in 1988, and our world has changed dramatically in the 35 years since. The population of older adults has nearly doubled, and older adults are living longer than ever before. Their expectations for aging are different from those of earlier generations. Increased understanding of the impact of the social determinants of health is reshaping health care, as non- medical services that help people avoid hospitalization and institutional care – like those provided through OAA programs – are increasingly being incorporated into health care service delivery models. In addition, the OAA has been amended by Congress seven times since 1988.

One important aspect has not changed: older adults overwhelmingly want to continue to live independently, in the community – and nearly 95 percent of them do.

The final rule contains updates that reflect the needs of today's older adults, align the regulations to the current statute, address issues that have emerged since the last update, and clarify a number of requirements. The final rule aims to better support the national aging network that delivers OAA services and improve program

implementation, with the ultimate goal of better serving older adults.

The final rule is the culmination of many years of engagement with the national aging network. It also reflects input received through a request for information (RFI) and a series of listening sessions, including consultations with tribes and other engagement with Native American grantees, as well as more than 780 comments received in response to the June 2023 Notice of Proposed Rule Making.

Key Provisions of the Final Rule

The final rule:

- Clarifies requirements for state and area plans on aging and details requirements for coordination among tribal, state and local programs.
- Improves consistency of definitions and operations between state and tribal OAA programs.
- Clarifies and strengthens provisions for meeting OAA requirements for prioritizing people with the greatest social and economic needs.
- Specifies the broad range of people who can receive services, how funds can be used, fiscal requirements, and other requirements that apply across programs.
- Clarifies required state and local agency policies and procedures. For example, the final rule establishes expectations regarding conflicts of interest.

- Requires state agencies to establish flexible and streamlined processes for area agencies to receive approval for contracts and commercial relationships.
- Incorporates guidance for the National Family Caregiver Support Program and the Native American Caregiver Support Program, which were authorized since the last update to the OAA regulations.
- Addresses emergency preparedness and response, incorporating lessons from the COVID-19 pandemic.
- Establishes expectations for legal assistance and activities to prevent elder abuse.
- Clarifies the role of the aging network in defending against the imposition of guardianship and in promoting alternatives.
- Updates definitions, modernizes requirements, and clarifies flexibilities within the senior nutrition programs. For example, the final rule allows for continuation of innovations utilized during the COVID-19 pandemic, such as carry-out meals provided under the congregate meals program, in certain circumstances.

About the Older Americans Act

First passed in 1965 and last reauthorized on March 25, 2020, the OAA authorizes a wide range of programs and services that help older adults age in place. These include home-delivered and congregate meals, support for family caregivers, preventive health services, personal and home care services, transportation, legal assistance, elder abuse prevention, and much more. In addition, the OAA provides ombudsman services for people who live in long-term care facilities.

Through the aging services network, the OAA has helped older adults remain active and engaged in their communities, to the great benefit of all. Because of the OAA, neighborhoods and organizations across the country are able to continue to draw upon the wealth of knowledge that comes only with life experience.

ACL administers most provisions of the OAA through its Administration on Aging. (The OAA Senior Community Services Employment Program is administered by the U.S. Department of Labor and is not covered by ACL's final rule.)

Effective Date and Compliance Information

The final rule will take effect on March 15, 2024 (30 days after it is officially published), and regulated entities have until October 1, 2025 to comply. In the coming months, ACL will share resources and provide robust technical assistance to support states, tribes and tribal organizations, area agencies on aging, and others in the aging network in meeting the requirements of the new regulations. ACL also will work with regulated entities in a supportive corrective action process if more time is needed to fully comply with specific provisions.

Learn More

Save the dates for these upcoming webinars:

- **Informational Webinar:** Join ACL for an overview of the updated regulations on Thursday, Feb. 8 from 2-3 p.m. (Eastern).
- **“Back to Basics” technical assistance webinar:** On Thursday, Feb. 15 from 2-3:30 p.m. (Eastern), ACL will host the first in a series of webinars to support the network in implementing the updated regulations.

More information, including registration information for these webinars, a link to the final rule, and links to resources and technical assistance can be found at [ACL.gov/OAArule](https://acl.gov/OAArule).

The [final rule](#) was posted “on display” in the Federal Register on Feb. 6, 2024 and will be published officially on Feb. 14, 2024.